

## REMARKS

Applicant notes that Claims 37-49 and 54 are allowable over the prior art and are subject only to an obviousness type double-patenting rejection. Claims 37-49 and 54 stand rejected under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-16 and 21-25 of U.S. Patent No. 6,339,287. Applicant submits herewith a Terminal Disclaimer in compliance with §37 CFR 1.321(c). Reconsideration and withdrawal of the double patenting rejection is solicited.

With respect to Claim 41, Applicant does not understand the examiner's assertion that "no patentable weight is given to process steps recited in claim 41." It is black letter law that a product may be claimed in terms of process steps by which it is made. (see MPEP 2173.05(p) citing *In re Luck*, 476 F. 2d 650; *In re Pilkington*, 411 F. 2d 1345, *In re Stepan*, 394 F 2d 1013.)

With respect to Claims 50-53 which are subject to restriction, Applicant respectfully requests examination and allowance of these claims. In view of examination of Claim 54, there is no additional burden in such an examination.

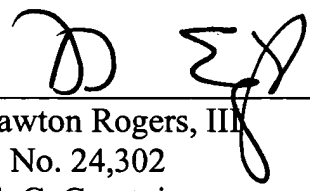
Consideration and allowance of new Claims 55-57 is solicited. No new matter has been added.

Consideration and allowance of Claims 50-53 is solicited.

A further favorable action allowing Claims 37-57 is solicited.

Respectfully Submitted,

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